MAY 2 9 2007

PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE enwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/541,886

Filing Date (Int'I) December 24, 2003

First Named Inventor Ulrich BETZ

Art Unit 1614

Examiner Name Not Yet Assigned

Attorney Docket Number 584212002300

ENCLOSURES (Check all that apply) After Allowance Communication Fee Transmittal Form Drawing(s) Appeal Communication to Board of Fee Attached Licensing-related Papers Appeals and Interferences Appeal Communication to TC Amendment/Reply Petition (Appeal Notice, Brief, Reply Brief) Petition to Convert to a **Proprietary Information** After Final Provisional Application Power of Attorney, Revocation Affidavits/declaration(s) Status Letter Change of Correspondence Address Other Enclosure(s) (please Extension of Time Request Terminal Disclaimer Identify below): Request for Corrected Filing **Express Abandonment Request** Request for Refund Receipt (5 pages including markedup copy of Filing Receipt) Information Disclosure Statement CD, Number of CD(s) Return Receipt Postcard Certified Copy of Priority Landscape Table on CD Document(s) Reply to Missing Parts/ Remarks Incomplete Application Reply to Missing Parts under **CUSTOMER NO. 25225** 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name **MORRISON & FOERSTER LLP** Signature Printed name Peng Chen Date Reg. No. May 29, 2007 43,543

6

I hereby certify that this paper is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 881235663 US, on the date shown below in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 29, 2007 Signature: (Diane Blevins)

I hereby certify that this paper is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 881235663 US, on the date shown below in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 29, 2007

Signature: (Diane Blevins)

Docket No.: 584212002300

(PATENT)

MAY 2 9 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In regatent Application of:

Application No.: 10/541,886

Confirmation No.: 6188

Filed: (Int'l) December 24, 2003

Art Unit: 1614

For: METHOD FOR INHIBITING THE

REPLICATION OF HERPES VIRUSES

Examiner: Not Yet Assigned

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests that a corrected Filing Receipt be issued in the aboveidentified patent application. The official Filing Receipt received by Applicant, a copy of which has been marked-up in red to reflect the corrections and is attached hereto, has the following errors:

The following Applicant(s) name is misspelled:

1. Jurgen Reefshlager should be: Jürgen Reefschläger

Additionally, the <u>Foreign Application</u> listed is incorrect as follows:

1. 10322109.3 should read: 103 00 109.3

The Application Data Sheet filed with the subject application and the Declaration filed in response to the Notice to File Missing Requirements each contained the correct spelling of the applicant's name and the correct application number of the German priority document.

Docket No.: 584212002300

Applicant requests that all pertinent U.S. Patent and Trademark Office records relating to the subject application be changed to reflect these corrections.

Dated: May 29, 2007

Respectfully submitted,

Peng Chen

Registration No.: 43,543 MORRISON & FOERSTER LLP 12531 High Bluff Drive, Suite 100 San Diego, California 92130-2040 (858) 720-5117

Page 1 of 3

20023.00

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Viginia 22313-1450 www.uspto.gov

APPL NO. (c) DATE

UNITED

ART UNIT

FIL FEE REC'D

Initials

ATTY.DOCKET NO

DRAWINGS

TOT CLMS IND CLMS

10/541.886 07/13/2006

35969

1614

4640

Le A 36 269

45 10

PXC

JEFFREY M. GREENMAN

WEST HAVEN, CT 06516

400 MORGAN LANE

BAYER PHARMACEUTICALS CORPORATION Required*

Reviewed by Docketing

TENT AND TRADEMARK OFFICE

FILING RECEIPT



OC000000020546541

Date Mailed: 09/25/2006

CONFIRMATION NO. 6188

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Ulrich Betz, Wuppertal, GERMANY; Guy Hewlett, Wuppertal, GERMANY; Gerald Kleymann, Bad Salzuflen, GERMANY; Thomas Lampe, Dusseldorf, GERMANY; Tse-I Lin, Mechelen, BELGIUM; Susanne Nikolic, Monheim, GERMANY; Jurgen Reefshlager, Oldensburg, GERMANY; Tobias Wunberg, Solingen, GERMANY; Holger Zimmerman, Wuppertal, GERMANY; Franz Zumpe, Tonisvorst, GERMANY; Wolfgang Bender, Burscheid, GERMANY; Kerstin Henninger, Wuppertal, GERMANY: Axel Jensen, Velbert, GERMANY; Jorg Keldenich, Wuppertal, GERMANY;

Rudolf Schohe-Loop, Wuppertal, GERMANY;

Jürgen Reefschläger

Power of Attorney: The patent practitioners associated with Customer Number 35969.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/14883 12/24/2003

Foreign Applications

GERMANY 10322109.3 01/07/2003

103 00 109.3

If Required, Foreign Filing License Granted: 09/22/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/541,886

Projected Publication Date: 01/04/2007

Non-Publication Request: No

Early Publication Request: No

Title

Method for inhibiting the replication of herpes viruses

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).